

Serial No.: 10/554,639

Filing Date: 10/26/2005

Attorney Docket No. 515.034US01

Title: UPDATING SYSTEM OF MUSIC INFORMATION , BROADCASTING APPARATUS
OF MUSIC INFORMATION, TERMINAL HAVING UPDATING FUNCTION OF MUSIC
INFORMATION, UPDATING M

REMARKS

The Office Action mailed on February 20, 2007 has been reviewed, along with the art cited. Claims 1-80 are pending in this application.

Claim Objections

Claims 19, 23-33, 37-40, 44-59, 63-73 and 77-80 were objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. Claims 19, 23-33, 37-40, 44-59, 63-73 and 77-80 have been cancelled. Withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-18, 20-22, 34-36, 41-43, 60-62, and 74-76 were rejected under 35 USC § 103(a) as being unpatentable over Ihara (European Patent Application EP 1 137 210) in view of Mackintosh et al. (U.S. Patent No. 6,317,784). Applicant respectfully traverses the rejection. Applicant notes that claims 2, 17-18, 20-22, 34-36, 41-43, 60-62, and 74-76 have been cancelled.

Claim 1

Claim 1 was rejected under 35 USC § 103(a) as being unpatentable over Ihara (European Patent Application EP 1 137 210 A2) in view of Mackintosh et al. (U.S. Patent No. 6,317,784 B1). To establish a section 103 rejection it must be obvious to one of ordinary skill in the art, at the time the invention was made, to modify at least one reference to teach every aspect of the claim. MPEP 706(02).

Claim 1 is reproduced below:

An updating system of music information comprising:
a broadcasting apparatus having a broadcasting side memory unit
for storing music information including at least one of track data and

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music database information and a transmission unit for broadcasting the music information on a predetermined broadcast channel and

a terminal having a reception unit for receiving a broadcast wave of said predetermined broadcast channel, an extraction unit for extracting said music information from the received broadcast wave, and an update unit for updating the music information in the reception side memory unit with the extracted music information, wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.

The applicant respectfully traverses the rejection of claim 1 under section 103.

The Ihara reference in combination with the Mackintosh reference does not teach all the aspects of claim 1. For example, the Ihara reference in combination with the Mackintosh reference does not teach “a broadcasting apparatus...broadcasting the music information on a predetermined broadcast channel and a terminal...for receiving a broadcast wave of said predetermined broadcast channel, wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In the system of Ihara, the data provider service center is an “Internet service provider” to which an information terminal is connected via a closest access point or base station as described in paragraphs [0032] and [0033]. This is not a “broadcasting apparatus” as contemplated by claim 1 because it does not transmit “a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In Mackintosh et al., a user terminal 212 receives information from a broadcast Internet service provider 208 via an Internet 210 as shown in Figure 5 and as described in Column 8 of Mackintosh et al. Therefore, the user terminal 212 does not receive music information directly from a radio station 204 through a broadcast wave, as does the present invention. That is, in Mackintosh et al., the user terminal 212 is supplied with music information from the radio station 204 via both the broadcast Internet service

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provider 208 and the Internet 210 but not over “either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

Additionally, the “terminal 30 having a reception unit 31 for receiving a broadcast wave of said predetermined broadcast channel, an extraction unit 32 for extracting said music information from the received broadcast wave, and an update unit 33 for updating the music information in the reception side memory unit 34 with the extracted music information,” recited in claim 1 is neither disclosed nor taught by Ihara and/or Mackintosh et al, alone or in combination.

Withdrawal of the rejection of claim 1 is respectfully requested.

The applicant respectfully traverses the rejection of claims 3-12 under section 103. Specifically, claims 3-12 depend directly or indirectly from claim 1 and the Ihara reference in combination with the Mackintosh reference does not teach all the aspects of claim 1 for the reasons argued above with respect to claim 1. Since the applicant believes the dependent claim 1 is allowable, then claims 3-12 are also allowable for at least the reasons identified above. The Applicant is not providing arguments as to the obviousness of the claimed matter in claims 3-12. Thus, all arguments to all rejections to claims 3-12 may not have been provided in this response. The applicant however, retains the right to address said rejection if a further response is required. Withdrawal of the rejection of claims 3-12 is respectfully requested.

Claim 13

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Ihara (European Patent Application EP 1 137 210 A2) in view of Mackintosh et al. (U.S. Patent No. 6,317,784 B1).

Claim 13 is reproduced below:

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A broadcasting apparatus of music information providing a broadcasting side memory unit for storing music information including at least one of track data and music database information and a transmission unit for broadcasting the music information on a predetermined broadcast channel, wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.

The applicant respectfully traverses the rejection of claim 13 under section 103. The Ihara reference in combination with the Mackintosh reference does not teach all the aspects of claim 13. For example, the Ihara reference in combination with the Mackintosh reference does not teach “A broadcasting apparatus of music information...for broadcasting the music information on a predetermined broadcast channel, wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In the system of Ihara, the data provider service center is an “Internet service provider” to which an information terminal is connected via a closest access point or base station as described in paragraphs [0032] and [0033]. This is not a “broadcasting apparatus” as contemplated by claim 13 because it does not transmit “a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In Mackintosh et al., a user terminal 212 receives information from a broadcast Internet service provider 208 via an Internet 210 as shown in Figure 5 and as described in Column 8 of Mackintosh et al. Therefore, the user terminal 212 does not receive music information directly from a radio station 204 through a broadcast wave, as does the present invention. That is, in Mackintosh et al., the user terminal 212 is supplied with music information from the radio station 204 via both the broadcast Internet service provider 208 and the Internet 210 but not over “either of a specific channel in radio

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broadcasts, a specific channel in TV broadcasts, or a specific channel in digital
broadcasts.”

Withdrawal of the rejection of claim 13 is respectfully requested.

Claim 14

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Ihara
(European Patent Application EP 1 137 210 A2) in view of Mackintosh et al. (U.S. Patent
No. 6,317,784 B1).

Claim 14 is reproduced below:

A terminal having an updating function of music information, comprising:
a reception side memory unit for storing music information
including at least one of track data and music database information;
an extraction unit for extracting said music information from the
broadcast wave of a predetermined broadcast channel; and
an updating unit for updating the music information in said
reception side memory unit with said extracted music information,
wherein said predetermined broadcast channel is: either of a specific
channel in radio broadcasts, a specific channel in TV broadcasts, or a
specific channel in digital broadcasts.

The applicant respectfully traverses the rejection of claim 14 under section 103.
The Ihara reference in combination with the Mackintosh reference does not teach all the
aspects of claim 14. For example, the Ihara reference in combination with the
Mackintosh reference does not teach “extracting said music information from the
broadcast wave of a predetermined broadcast channel...wherein said predetermined
broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in
TV broadcasts, or a specific channel in digital broadcasts.”

In the system of Ihara, the data provider service center is an “Internet service
provider” to which an information terminal is connected via a closest access point or base
station as described in paragraphs [0032] and [0033]. This is not a “broadcast channel”

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as contemplated by claim 14 because it is not “a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In Mackintosh et al., a user terminal 212 receives information from a broadcast Internet service provider 208 via an Internet 210 as shown in Figure 5 and as described in Column 8 of Mackintosh et al. Therefore, the user terminal 212 does not receive music information directly from a radio station 204 through a broadcast wave, as does the present invention. That is, in Mackintosh et al., the user terminal 212 is supplied with music information from the radio station 204 via both the broadcast Internet service provider 208 and the Internet 210 but not over “either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

Withdrawal of the rejection of claim 14 is respectfully requested.

Claim 15

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Ihara (European Patent Application EP 1 137 210 A2) in view of Mackintosh et al. (U.S. Patent No. 6,317,784 B1).

Claim 15 is reproduced below:

An updating method of music information in an updating system of music information provided with a broadcasting apparatus and a terminal comprising:

in said broadcasting apparatus,

a step of broadcasting music information including at least one of track data and music database information stored in a broadcasting side memory unit on a predetermined broadcast channel and,

in said terminal provided with a reception side memory unit for storing said music information,

a step of receiving the broadcast wave of said predetermined broadcast channel,

a step of extracting said music information from the broadcast wave of said received predetermined broadcast channel, and

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a step of updating the information in said reception side memory unit with said extracted music information, wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.

The applicant respectfully traverses the rejection of claim 15 under section 103. The Ihara reference in combination with the Mackintosh reference does not teach all the aspects of claim 15. For example, the Ihara reference in combination with the Mackintosh reference does not teach “broadcasting music information... on a predetermined broadcast channel...wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In the system of Ihara, the data provider service center is an “Internet service provider” to which an information terminal is connected via a closest access point or base station as described in paragraphs [0032] and [0033]. This is not a “broadcast channel” as contemplated by claim 15 because it does not transmit “a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In Mackintosh et al., a user terminal 212 receives information from a broadcast Internet service provider 208 via an Internet 210 as shown in Figure 5 and as described in Column 8 of Mackintosh et al. Therefore, the user terminal 212 does not receive music information directly from a radio station 204 through a broadcast wave, as does the present invention. That is, in Mackintosh et al., the user terminal 212 is supplied with music information from the radio station 204 via both the broadcast Internet service provider 208 and the Internet 210 but not over “either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

Withdrawal of the rejection of claim 15 is respectfully requested.

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Claim 16

Claim 16 was rejected under 35 USC § 103(a) as being unpatentable over Ihara (European Patent Application EP 1 137 210 A2) in view of Mackintosh et al. (U.S. Patent No. 6,317,784 B1).

Claim 16 is reproduced below:

A music information updating method of music information in a terminal provided with a reception side memory unit for storing the music information including at least one of track data and music database information, comprising:

a step of receiving said music information broadcasting on a predetermined broadcast channel;

a step of extracting said music information from said received predetermined broadcast channel; and

a step of updating the music information in said reception side memory unit with said extracted music information, wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.

The applicant respectfully traverses the rejection of claim 16 under section 103. The Ihara reference in combination with the Mackintosh reference does not teach all the aspects of claim 16. For example, the Ihara reference in combination with the Mackintosh reference does not teach “receiving said music information broadcasting on a predetermined broadcast channel ...wherein said predetermined broadcast channel is: either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In the system of Ihara, the data provider service center is an “Internet service provider” to which an information terminal is connected via a closest access point or base station as described in paragraphs [0032] and [0033]. This is not a “broadcast channel” as contemplated by claim 16 because it does not transmit “a specific channel in radio

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broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

In Mackintosh et al., a user terminal 212 receives information from a broadcast Internet service provider 208 via an Internet 210 as shown in Figure 5 and as described in Column 8 of Mackintosh et al. Therefore, the user terminal 212 does not receive music information directly from a radio station 204 through a broadcast wave, as does the present invention. That is, in Mackintosh et al., the user terminal 212 is supplied with music information from the radio station 204 via both the broadcast Internet service provider 208 and the Internet 210 but not over “either of a specific channel in radio broadcasts, a specific channel in TV broadcasts, or a specific channel in digital broadcasts.”

Withdrawal of the rejection of claim 16 is respectfully requested.

Applicant may not have put forth responses to additional rejections to said claims at this time. However, the Applicant reserves the right to address said additional rejections to said claims if a further response is required.

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CONCLUSION

Applicant respectfully submits that claims 1 and 3-16 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: June 2, 2007

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